

Application No. 10/010,190
Amendment "D" dated April 14, 2006
Reply to Office Action mailed February 15, 2006

REMARKS

The Final Office Action, mailed February 15, 2006, considered and rejected claims 1-39 and 41-49. Claims 1-14, 17-19 and 24-39, 41-46 and 48 were rejected under 35 U.S.C. 103(a) as being unpatentable over Pfister et al (U.S. Patent Publ. No. 2003/0046365) in view of Donohue et al (U.S. Patent No. 5,987,480) and further in view of Hill et al. (U.S. Patent No. 6,023,714). Claim 15 was rejected under 35 U.S.C. 103(a) as being unpatentable over Pfister in view of Donohue and Hill, and further in view of Twaddle (U.S. Patent Publ. No. 2004/0015476). Claims 16 and 20-23 were rejected under 35 U.S.C. 103(a) as being unpatentable over Pfister in view of Donohue and Hill, and further in view of Orhormuru (U.S. Patent Publ. No. 2003/0061106). Claims 47 and 49 were rejected under 35 U.S.C. 103(a) as being unpatentable over Pfister in view of Donohue and Hill, and further in view of Omoigui (U.S. Patent Publ. No. 2003/0126136).¹

By this paper, claims 1, 27, 41 and 43 have been amended.² No claims have been added or cancelled, such that following this paper, claims 1-39 and 41-49 remain pending, of which claims 1, 27, 41 and 43 are the only independent claims at issue.

The present invention is generally directed to embodiments for efficiently customizing and dynamically arranging content on the display of a mobile computing device. In claim 1, for example, a method is recited which includes an act of creating, at a network computing device, a template file that represents the layout of automatically updated content on the mobile device. The template file is created by generating static content and including it in the template file, and also generating references to dynamic content and layout information corresponding to the static content and the referenced dynamic content. In addition, computer-executable instructions are generated to substitute the dynamic content at the mobile computing device, where the substituted dynamic content is stored apart from the template file and is substituted for the one or more references in the template file. In addition, the template file and the computer-executable instructions are transferred to the mobile device, such that when the computer-executable instructions are executed by the mobile device, updated dynamic content is merged with layout

¹ Although the prior art status of the cited art is not being challenged at this time, Applicants reserve the right to challenge the prior art status of the cited art at any appropriate time, should it arise. Accordingly, any arguments and amendments made herein should not be construed as acquiescing to any prior art status of the cited art.

² Support for the claim amendments is drawn from various passages of the disclosure, including, by way of representation only, the disclosure found in original paragraphs 9, 11, 13, 14, 39, 49, 57, 58, 63, 65, and Figure 1B.

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information for the dynamic content references. Moreover, new layout information is transferred to the mobile device and replaces existing layout information without replacing the template file.

Claim 27 is directed to a similar method as recited in claim 1; however, claim 1 is recited from the perspective of the mobile computing device which receives the template file and computer-executable instructions, as well as a notification that the dynamic content has changed. Claims 41 and 43 are directed to computer program products which generally correspond to, and implement the methods of, claims 1 and 27, respectively.

In each of the independent claims, it is clear that computer-executable instructions are transferred to a mobile computing device and that the computer-executable instructions replace references in the template file with separately stored, dynamic content. For at least this reason, it is clear that Pfister, Donohue and Hill fail to anticipate or make obvious the claimed invention, either singly or in combination with the other art of record. In particular, Pfister, Donohue and Hill fail to disclose generating or transferring computer-executable instructions that substitute separately stored content.

As mentioned in the last response, Pfister discloses a system and method of caching that identifies content for caching according to characteristics of the content. (§ 21). Pfister discloses, for example, using a unique identifier to identify static content within a web page that changes infrequently and may, therefore, be cached and retrieved from cache even when other portions of the website have changed in some way. (§ 59). As a result, only non-static portions of the web page require downloading when a user has cached the static portions. (§ 60). It appears, however, that in contrast to the claimed invention, Pfister only teaches downloading new content with a new web page (i.e., a web page that replaces the previous web page). For example, Figure 2 illustrates that a web page is loaded and then the cache is analyzed to see if there are static portions that can be loaded from the cache. (*See also* § 47). Moreover, and as acknowledged in the Office Action, Pfister does not disclose generating computer-executable instructions for substituting dynamic content for one or more references to the dynamic content, or computer-executable instructions which facilitate merging of updated displayable dynamic content at the mobile computing device. (Office Action, p. 5). As Pfister does not disclose generating computer-executable instructions for substituting or merging dynamic content, it also clearly fails to disclose computer-executable instructions which substitute or merge dynamic content that is stored separate from the template file.

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Donohue has been cited merely for the proposition that a template file may be created and stored at an Internet Server. (Office Action, p. 4).

Hill is a general reference relating to dynamically adapting the layout of a document. Hill fails, however, to teach or suggest the generation or transfer of computer-executable instructions that substitute or merge *content*, and particularly content which is stored separate from the template file, as claimed in combination with the other recited claim elements. In particular, Hill discloses that an HTML document may be created to allow a user to specify the content of a document. (Col. 5, ln. 66 to Col. 6, ln. 5). In addition, a style sheet may be used to provide the author of the HTML document with greater control over the format of the HTML document. (Col. 6, ll. 46-49).

Optionally, the HTML document may also include an embedded layout generator or script configured to select an appropriate style sheet that is best suited for the capabilities of the display device. (Col. 9, ll. 23-27). Accordingly, when a client requests a document, a server transfers the document along with the embedded script. (Col. 10, ll. 15-20). Thereafter, the layout generator determines the capabilities of the display device (e.g., resolution, aspect ratio, size, color features, supported fonts, etc.) and selects a style sheet based upon the determined capabilities. (Col. 10, ll. 20-29). The client may then request the style sheet from the server and may modify a document link to match the selected style sheet. (Col. 10, ll. 38-40, 64-66).

The requested and received style sheet includes a number of style definitions or style rules which define various format properties of a document such as, for example, font properties, color properties, background properties, text spacing properties, and page properties. (Col. 6, ll. 54-60). Significantly, however, the style sheet "does not contain any document *content*, only instructions for formatting document content." (Col. 6, ll. 51-53). Stated another way, style sheets are used to define formats, but all content is wholly contained within the document itself.

Accordingly, Hill teaches computer-executable instructions which merely alter the formatting of a document without changing the actual content of the document, and that all document content is stored in the file itself. Accordingly, Hill fails to disclose any method or computer program product in which computer-executable instructions are generated and which are used to substitute dynamic *content* at a mobile computing device, and particularly where the substituted content is stored separate from the template file that includes references for which the content is substituted. In fact, Hill clearly teaches away from substituting content in that it

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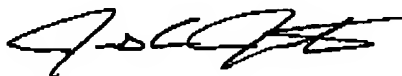
expressly discloses that all content is contained within the HTML document, and remains unchanged by any style sheet.

In view of the foregoing, Applicants respectfully submit that the art, even when combined, fails to anticipate or make obvious the claimed invention, as recited, for example, in the independent claims. For at least these reasons, the other rejections to the claims are also now moot and do not, therefore, need to be addressed individually at this time. It will be appreciated, however, that this should not be construed as Applicants acquiescing to any of the purported teachings or assertions made in the last action regarding the cited art or the pending application, including any official notice. Instead, Applicants reserve the right to challenge any of the purported teachings or assertions made in the last action, including any official notice, at any appropriate time in the future, should the need arise.

For at least the foregoing reasons, Applicants respectfully submit that the pending claims are neither anticipated by nor made obvious by the art of record. In the event that the Examiner finds and remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney.

Dated this 14 day of April, 2006.

Respectfully submitted,



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